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H – 820

International Court of Justice

SA
Volume 3
English
Gylleison

H0820-0002

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

I certify that none of the documents included herein have been denied by the Tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the Tribunal dated 4 April 1940.

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Je certife qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministére Public suivant les règles du Tribunal, en date du 4 Avril 1940.

Ich bestaetige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1940.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

[signature]

Vert. d. Org. S.A.

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NOP

SA Document Book, Volume 3

Defense Exhibit No. 285

(Page 1 of original)

(Line 1 - line 9 incl.:)

From:

The Communist Party

in the

Verdict of the State Tribunal

for the Protection of the Republic

and the Reich Court.

Published by Policy Headquarters at Stuttgart (Western Provincial Criminal Police Office)

Stuttgart, September 1925.

(Line 32 - line 44 incl.:)

"A New World War Is Threatening!" ("Ein neuer Weltkrieg droht!") 245 copies. Published by the German Communist Party (KPD).

The leaflet is addressed to the women. It states that the Communists do not deny, that they are working for the revolution, for the struggle of "citizen against citizen". If the German Proletariat wanted to be freed from its chains, it would have to fight against the capitalist exploiters, against the capitalist state, and against the "Democratic Republic"; this, to be sure, would be civil war, this would be the battle between the classes, but this would be the only way out which would be left for the German working population.

H0820 – 0005

No 3

SA Document Book, Volume 3

Defense Exhibit No. 286

(Page 1 of original)

(Line 1 - line 8, incl.:)

From:

The Communist Party

in the

Administration of Justice of the States Court

for the Protection of the Republic

and the Reich Supreme Court.

Published by the Stuttgart Police Headquarters (W. Provincial Criminal Police)

Stuttgart, September 1925.

- - - -

H0820 – 0006

No 4

SA Document Book, Volume 3

Defense Exhibit No. 286

(Page 2 of original)

(Line 8:)

"Rote Tribuene"

under the title "7000"

. . . . . .

(Line 21 - line 33, incl.:)

On page 10:

"Whom do we greet?

You..... you, companions,

Who crouch

At your machine guns

Behind the barricades

In street combat.....

You..... you, companions,

You who - soldiers of World Revolution, hard as steel

Stand against the wall,

Before the leveled rifles

Of the White Guards ....."

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Nr 6

SA Document Book, Volume 3

Defense Exhibit No. 287

(Line 1 - line 6,incl. :)

From:

The Communist Party

in the

Administration of Justice of the Supreme Court of Judicature (Staatsgerichtshof) for the Protection of the Republic and of the High Court of Justice.

Published by Police Headquarters,

S t u t t g a r t (W. Office of Provincial Criminal Investigation Police)

Stuttgart, September 1925.

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N o 7

SA Document Book, Volume 3

Defense Exhibit No. 287

(Page 2 of original)

(Line 18 - line 41, incl. :)

Page 30:

Verdict of the Supreme Court of Judicature of 14 February 25 passed on LINK and colleagues - 14 a. J. 123/24 (Encl.19) -

....."Among the confiscated documents (of Link) there were four statements which served the preparation for the struggle. On one of the slips of paper the strength of the labor organizations for the combat areas Stuttgart, Ulm, Reutlingen, Schwenningen, Gmuend, Heilbronn, Pforzheim is compared with the strength of the "Police green, Police blue, Fascist Reichswehr"and characterized as "opponent" and "hostile". On the second slip numbers are given for the same combat areas under the columns "Ready for combat", "In the Course of Combat", "Action Committees", "Existing Combat Communities" (bestehen K.-Gemeinschaften),"Industrial Colleges" (Betriebs-H.Sch.) "Ready for Combat" no doubt means the number of those who will join the fighting immediately on the outbreak of war, whereas in the column "In the Course of Combat" the number of those is mentioned who will join the movement in the course of combat.On a third and fourth slip the number of OD.-Members, the existing "supply depots", "discharge and distribution points for larger transports" is given for each of these combat areas individually, and we find a column with the heading "Addresses for available trucks" which has not been filled in.

Certified: signed: Georg BOEHM,

Attorney-at-law

Defense Counsel for SA-Organization

Nuremberg, 9 May 1946.

NO8

SA Document Book, Volume 3

Defense Exhibit No. 300

(Page 1 of original)

Excerpt from: H.B.GISEVIUS

"To the bitter End" Volume I

Fretz & Wasmuth, Publishers Inc.
Zuerich.

Page 153:

.....It originates in those post-war periods when the situation in Germany is already or still revolutionary. It is in a way a last off-shoot of the Spartacus wave of 1918. The Red pressure elicits Brown counter-pressure whose physical form is forthwith called SA.

-.-.-.-.-.-

Certified: s/ GEORG BOEHM

Attorney-at-Law

Defense Counsel for the
SA Organization.

Nuernberg, 6 June 1946.

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SA Document Book, Volume 3

Defense Exhibit No. 301

(Page 1 of original)

Excerpt from: H.B.GISEVIUS

" To the bitter End" Vol. I

Fretz & Wasmuth, Publishers AG. Zuerich

Page 131:

Looking back one can say without hesitation that this first phase of the revolution has cost comparatively few victims.

-.-.-.-.-.-.-

Certified: s/ GEORG BOEHM

Attorney-at-Law

Defense Attorney of SA Organization.

Nuernberg, 6.6.46.

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H0820 - 0011

SA Document Book, Volume 3

Defense Exhibit No. 302

(Page 1 of original)

Excerpt from: H.B.GISEVIUS

"To the Bitter End" Vol. I.

Fretz & Wasmuth, Publishers, Zuerich

Page 177:

.....The SA does not know what to do with itself any more. Above everything it cannot make up its mind to become law-abiding. It therefore assumes the provoking style of an ordinary soldier.

.....Actually it is, of course, only a very small clique. They are the group staffs, their hired staff guard as well as that gang of roughnecks who are to be found in any place where mischief is in the wind. But these selected ruffians are precisely the ones who set the tone in that uniformed crowd called the SA.

-.-.-.-.-.-.-

Certified: s/ GEORG BOEHM

Attorney-at-Law

Defense Counsel for Organization SA.

Nuernberg, 6 June 1946.

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Nr 11

SA Document Book, Volume 3

Defense Exhibit No. 304

(Page 1 of original)

From the "Voelkischer Beobachter" 1931, 94th Edition, 4 April.

Adolf HITLER Settles Accounts with Captain STENNES.

"... Herr STENNES was certainly right. Whoever now leads the National Socialist movement into open war with the State, commits a sin not only towards the movement but, what is most terrible, towards those young combatants: our SA.

-.-.-.-.-.-.-

From the "Voelkischer Beobachter" 1931, 94th Edition, 4 April.

Adolf HITLER Settles Accounts with Captain STENNES.

"... I need not reject it as a low piece of infamy when Herr STENNES represents my acknowledgment of legality as a sign of cowardice. For I need only ask when has Herr STENNES for that matter put in practice his professed policy of action?
And when did he take the consequences for it?

-.-.-.-.-.-.-.-.-

Nuernberg, 29.5.1946.

Certified: s/ GEORG BOEHM

Attorney-at-Law

Defense Counsel for the SA Organization

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No 12

SA Document Book, Volume 3

Defense Exhibit No. 305

(Page 1 of original)

From "Voelkischer Beobachter" 1931, 49th edition (18 February)

ADOLF HITLER'S Manifesto to the National Socialist German Workers' Party, of 18 February 1931

National Socialists!

By means of the impudent lie that the NSDAP is planning a revolution by violence, the Reichsbanner and Moscow are inciting Germans to civil war. Hoersing is allowed to boast quite openly of his "followers well trained in the technique of weapons"; and they carry weapons. Heavily armed, these hordes together with the Bolshevists, are today carrying out their assaults against the unarmed SA and SS man.

Day after day dozens of National-Socialists are being shot at, mostly from ambush, or cowards superior in number carry out the assult and strike them down, right under the eyes of a lawabiding world, with the quiet acquiescence of so-called national parties. The peace-loving Christian Centre does not lift a finger, and no line in its face changes because of such ferocious, murderous assaults. Only the SA-man in distress is being persecuted and punished by the judiciary of our citizens as he tries to save his life. He who escapes the bullets and bayonet thrusts of the red murderers by defending himself is being sent to prison for it!

SA comrades and SS comrades! I understand your plight, and I understand your wrath. And yet, as the responsible leader of your Party, I must warn you against such instigators who are sent into our ranks to do their best to force the SA into playing the part of the attacker and to place the legitimation of the persecution of our movement into the hands of our system of today. I fully appreciate with you, my SA comrades, that the situation which exposes the unarmed SA and SS to the red terror and to joint murderous assaults is hardly bearable. However crushing this danger may be for all of us, we nevertheless must not capitulate.

The future Reich will someday hold the parties and their backers, which represent the present system, responsible for all the blood that our comrades shed. Today, however, the welfare of our movement and your

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own welfare demand your blind obedience to orders such as the very existence of the movement imposes for the sake of our entire German people.

In line with legal regulations, I therefore ban once more and most strictly the possession of arms of any kind. "Philistines", wearing the mask of a true friend, and offering to supply weapons should immediately be handed over to the police, under simultaneous notification of the competent SA office. In all these instances you will deal either with fellows who want to make money-black-market weapon dealers who are utterly indifferent to the welfare and woe of the movement,- or, in 99 percent of the cases with low creatures whose services were bought at a high price and were hired to inculpate the persecuted SA man before the law, to make quite sure he lands in jail. Spy quarters, with many hundreds of marks at their disposal and often seemingly working in behalf of official or semi-official agencies, are today feverishly busy in provoking at the last hour our movement into committing some sort of foolhardy thing, thus to put an end to the danger which threatens them inexorably. The system which must be overpowered if ever the German people are to have a future again, is using any kind of weapon which desperation may suggest in its present struggle, under the motto of "to be or not to be".

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Defense Exhibit No. 305

(Page 3 of original)

(continued from "Voelkischer Beobachter, 18 February 1931, Adolf HITLER'S Manifesto)

With lies, calumnies and instigation they are trying to break up our ranks. Bribes are expected to serve the same purpose. By means of terror and persecution they hope to incite the SA man to wrath; through the offer of apparent assistance they try to mislead him into some sort of legal offense. Political leaders are deprived of the protection of immunity; numerous publi speakers are kept in the gaols of the Republic, and all this for one reason only: thus to make impossible the German people's rehabilitation.

Party Members, SA and SS Men!

Close your ranks as a solid front which cannot be harmed by any such attempt In that case the attempts of our foes will be broken by our tenacious stead-fastness. Thanks to our unflinching law abidingness, measures taken by thos in power today will break and recoil. As one month after another passes, the correctness of our assertions will become increasingly evident. Distres itself will be our witness.

Rising above all the haze of lie and deception, of hate and terror, the New Reich will at last emerge, and you will be the ones who forged it.

Adolf HITLER.

Nuernberg, 29 May 1946

Certified: (s) Georg BOEHM
Attorney-at-Law
Defense Counsel of SA Organizati

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SA Document Book, Volume 3.

Defense Exhibit No. 306

(Page 1 of original)

(Line 1 - line 4, incl.:)

From: Voelkischer Beobachter, 1931, series 91 (1 April)

Adolf HITLER's Proclamation and Order of 30 March 1931 after the Prohibition of the SA.

National Socialists, fellow party members !

. . . . . .

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N o 17

SA Document Book, Volume 3.

Defense Exhibit No. 306.

(Page 2 of original)

(Line 8 - line 55, incl.:)

Order.

The National Socialist Party in an action at the State Tribunal will give judges the opportunity to state the illegality and inadmissibility of the emergency decree. In the interest of the whole movement the following provisional orders of the Reich Leadership to the emergency decree of 28 March 1931, issued by the Reich President, are valid until the anulment of the decree in the legal procedure. In the interest of the whole movement I decree:

1. In accordance with the regulations of the emergency decree the total party apparatus will at once be set in motion for taking precautions against every violation of these regulations, and, even to eliminate the possibility of such a violation.

   Every party functionary has to make himself at once acquainted with the exact wording of the emergency decree. The text of the emergency decree is to be kept within easy reach in the Party Office.

2. Every party member, regardless of his position in the party, will be immediately excluded from the party if he takes it into his head to violate consciously the regulations of the emergency decree or to tolerate or to approve of such offences.

3. Before each meeting (public, in the open air, public, in a closed room, meetings exclusively reserved for members and functionaries) the competent Police Office is to be notified (according to form I) not later than 24 hours before the beginning of the meeting giving the place, time, object, of meeting, speaker.

4. The party functionary responsible for the holding of the meeting will present, along with the notification, a written confirmation of the speaker, in which the speaker acknowledges that he has been cautioned to keep his speech within the framework of the emergency decree and that he intends doing it. (form II)

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SA Document Book, Volume 3.

Defense Exhibit No. 306.

(Page 2 of original, cont'd)

(Line 8 - line 55, incl.:)

Moreover, the notifying functionary i.e. the Chairman of the meeting has to declare that he is personally responsible for the fulfilment of the promise. (Form III)

5. In regard to truck drives, leaflets, posters etc. the duty of notifying is also to be observed most strictly.

6. In each case of a prohibition the competent superior party office is to be informed in detail and as quickly as possible.

In agreement with the competent Dirstrict Leader a complaint is to be lodged in every individual case of a prohibition.

7. Further regulations are reserved. The mentioned formulary will reach the Party Offices within the next days.

Munich, 30 March 1931

s/ ADOLF HITLER

The proclamation and the orders are to be reprinted by the entire Nazi Press.

- - - - - - - - -

certified s/ GEORG BOEHM

Attorney-at-Law

Nuernberg, 29 May 1946. Defendant Counsel of the SA

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SA Document Book, Volume 3

Defense Exhibit No. 315

(Page 1 of original)

(Line 1 - line 3 incl.:)

Common Pastoral Address

of the German Bishops.

Beloved Brethren!

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No 31

SA Document Book, Volume 3

Defense Exhibit No. 316

(Page 1 of original)

(Line 11 - line 25 incl.)

It is henceforth to be recognized that the highest representative of the Reich Government, who is at the same time the authoritative leader of this movement has given public and solemn explanations by which the inviolability of the Catholic dogma and the unchanging tasks and rights of the church are taken into account, and the complete validity of the states treaties concluded by single German provinces with the Church are expressly assured. Without suspending our judgment, contained in previous measures about certain religious-moral errors, the episcopate therefore believes it may be confident that the afore-mentioned general interdictions and warnings are no longer to be considered as necessary.

(line 47 - line 62 incl.)

4. Attending divine service in uniform and closed formation may onl be allowed under the following conditions: The church parade may not be a disturbance of the divine service for the other members of the parish. Those taking part in church parade must naturally take off their hats inside the church, and also if they want to participate in a procession wit the Holy Sacrament outside the Church they must accompany bare-headed, as it has been ordered years ago by a high pastoral decree to the Bavarian military association. Loud commands and exercise-like forms of salute must not take place inside the church. Only the formerly usual command: "To Prayer" may be authorized at the holy transubstantiation or at the benedict with the Holy Sacrament.

For every case the privest.....

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SA Document Book, Volume 3

Defense Exhibit No.317

(Page 1 of original)

(Line 1 - line 3, incl.:)

Excerpts

from the "Academic Monthlies",(Akademische Monatsblaetter) publication of the Cartel Union of the Catholic Students' Associations and Academic Union.

Line 20

June 1933:

(Line 27 - line 47, incl.:)

"By virtue of this principle, it is for us to set our shoulders to the wheel in a common, honourable labour with every positive force of our nation and, inspired by a sincere conviction, create something new and better and avert the worst. .... The German Catholic cannot possibly evade this task; ... By virtue of this religious principle, we are conscious of our common responsibility for the future of the Reich. ... Consequently, we ... mean to devote our entire Catholic assets, Christian Conservative ideas and Christian, progressive forces to the new Germany, build and enhance her spirit with our own and not let ourselves be pushed aside or keep aside but serve Germany with all our best resources wherever she needs us for her remaking ..... We are therefore determined to work actively, with every possible means and relations at our disposal, for the union of all Germans .....

For the same reason we make practical military training a duty for all our members, .. we naturally also welcome the adhesion of as many Catholic students as possible to the paramilitary societies acknowledged by the State ... We must consequently, with a spirit of self-sacrifice, in true Christian and German sentiment, joyfully participate in the process of construction of the Reich."

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SA Document Book, Volume 3

Defense Exhibit No.317

(Page 3 of original)

(Line 24 to 34, incl.:)

April 1935: If some contends that they cannot but see the existence of regrettable occurrences, let them reflect where the fault lies. If many of us formerly preserved an utterly negative attitude towards a new movement breaking out and let for other forces to effect the forward push, we cannot now expect the features of the new organizational system to bear a wholly desirable stamp. It is primarily for the youth of our Association to strive courageously for the achievement of synthesis between our mighty popular movement and the everlasting surge of Christian forces... Proves that our Association possesses unbroken vitality and will not relinquish its share in the shaping of the future.

P.73 (S.B.) Dr.HANK, as above.

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No 3

SA Document Book, Volume 3

Defense Exhibit No. 318

(Page 1 of original)

From

The SA-Leader ("Der SA-Fuehrer")

Periodical of the SA-Leader of the NSDAP.

Publisher: The Supreme SA Leadership, Number No. 1 Munich, Capital of the Movement, January 1937

Page 8:

..... The attitude of the National Socialist Movement with regard to the question of religion results from this consideration, summed up, as follows: The NSDAP respects every true religious conviction, it protects the church from every defamation. It refuses to become an instrument of power of a single religious group, leaving the religious decision to the conscience of each in view of the fact, for which it is not responsible, that there exists a variety of creeds in Germany. It is of the conviction that to maintain this principle of toleration will bring about those forms of life under the domination of national feeling of honor, which appear necessary on the basis of religious respect to win man over completely to the nation socialist philosophy of life in the struggle for German unity.

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Nuernberg, 12 July 1946. Certified: s/ GEORG BOEHM

Attorney-at-Law

Defense Counsel of the Organisation SA.

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No 39

SA Document Book, Volume 3

Defense Exhibit No. 320

(Page 1 of original)

J. NEUHAEUSLER

"Cross and Swastika"

Publishers: CATHOLIC CHURCH OF BAVARIA 1946

I Part

Page 22:

"On the contrary, our Fuehrer Adolf Hitler repeatedly stated that the Party is to be led in such a manner that no Roman Catholic as a faithful member of the National Socialist German Labor Party can come into conflict with his conscience" ("Quite right" for the National Socialists). That is what the official policy, the leadership of our Party is preparing for." In this form, as a statement of the speaker of the National Socialist Group of the Provincial Diet, it is to be found in the official report of the 115th Session of the Bavarian Provincial Diet of 29 April 1931 (p.692).

Nuremberg, 7 May 46.

certified:

s/GEORG BOEHM,

Attorney-at-law.

Defense Counsel for the SA Organization.

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No 40

SA Document Book, Volume 3

Defense Exhibit No. 321

(Page 1 of original)

(Line 1 - line 15,incl.:)

J. NEUHAEUSLER

Cross and Swastika.

Editors: Catholic Church of Bavaria 1946

I. Part

Pages 68/69/70

Decree of the Fuehrer's Deputy of 23 January 1939:

"In my directives of 11 November 1937 and 1 June 1938 I decided that the Party, its branches and associated organizations were to abstain from exerting any influence in internal Church matters.

I am again compelled to remind of the unaltered position of the Party in regard to these Church and confessional discussions and I make again known the directives for all branches and associated organizations of the Party as follows.

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SA Document Book, Volume 3

Defense Exhibit No. 326

(Page 1 of original)

(Line 1 - line 3, incl. :)

J.NEUHAEUSLER: " Cross and Swastika "

Editors: Catholic Church of Bavaria, 1946.

Page 316:

(Line 12 - line 25, incl.)

We have repeatedly given proof that race is not placed higher by us than religion; but that the race is something willed by God has been stressed by us with the utmost clearness. ("Quite right" in the NS; call from the Bavarian Popular Party: "All races?") Certainly! Indeed, there must also be Jews, is it not? God will know why he also allowed Jews to be."

This was expressly proclaimed and asserted in the Bavarian Landtag by the speaker of the National Socialist Workmen's Party. .....

Nuremberg, 9 May 1946.

Certified: (signed) Georg BOEHM

Attorney at law

Defense Counsel for Organizati
SA.

SA Document Book, Volume 3

Defense Exhibit No. 327

(Page 1 of original)

J. Neuhaeusler: "Cross and Swastika"

Editors: Catholic Church of Bavaria, 1946.

Page 384: HITLER in his Reichstag Speech of 23 March 1933.

"The National Government sees in both of the Christian denominations highly important factors for the preservation of our national characteristics (Volkstums). It will respect the agreements concluded between them and the provinces (Laender); their right shall not be infringed.....
The National Government will permit and safeguard the influence of the Christian denominations in school and education to which they are entitled. It is its concern to insure a sincere cooperation between Church and State."

-.-.-.-.-.-.-.-.-.

Certified: s/ GEORG BOEHM
Attorney-at-Law
Defense Counsel for Organization SA

Nuernberg, 9 May 1946.

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